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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,054	05/29/2001	William A. Rozzi	10279US01	5738

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Steven J. Shumaker
SHUMAKER & SIEFFERT, P.A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 03/26/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,054

Applicant(s)

ROZZI, WILLIAM A.

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2&3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-15, 22-29, and 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Deguchi et al (6,480,202).

Regarding independent claims 1, 22, and 33, Deguchi discloses (Figs.6 and 8) a display device comprising: a display (monitor 103) that presents color images; and a processor (image processing section 100 and memory section 104) integrated with the display device that adjusts the color images. See column 4, lines 52-62; and column 6, line 47 to column 7, line 35.

Regarding claim 2, Deguchi discloses (Fig. 8) wherein the processor (100 and 104) receives color input from the ambient

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light input section (101); and processes the color input to generate altered color image data; and outputs the altered color image data (monitor control section 102) to the display (monitor 103). See column 7, lines 27-30.

Regarding claims 3, 23, and 37, Deguchi discloses (Figs. 8 and 10) wherein the processor receives internal color input (Fig. 8, ambient light input section 101) and external color input (Fig. 10, GUI input). See column 7, lines 11-19.

Regarding claims 4, 5, 11, 25, and 28, 36, Deguchi further discloses (Fig. 1) wherein the color input includes a display Profile (monitor 3), a source device profile (scanner 2 or camera 1), and image data (camera 1). See column 1, line 49 to column 2, line 4).

Regarding claims 6, 24, and 26, Deguchi discloses (Fig. 8) wherein the internal color input includes sensed conditions (ambient light input section 101).

Regarding claim 7, Deguchi discloses (Fig. 10, GUI input) wherein the external color input includes user input. See column 7, line 59 to column 8, line 4.

Regarding claims 8 and 27, wherein the external color input includes image data (camera 1). See column 1, line 64 to column 2, line 4.

Regarding claim 9, it is inherent that the processor (image processing section 100 and memory section 104) is an application specific integrated circuit (IC), since the computer processor is made up with computer IC chips.

Regarding claim 10, Deguchi discloses (Fig. 1) wherein the display is one of the following: cathode ray tube, flat panel display, digital paper, plasma display, and electronic ink display. See column 1, lines 19-22.

Regarding claim 12, Deguchi discloses (Fig. 8) the display device (monitor 103) renders images on the display according to the altered image data. See column 7, lines 20-30.

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Regarding claim 13, wherein the images rendered on the display substantially visually match images rendered by a source device associated with the source profile. See column 1, line 61 to column 2, line 4.

Regarding claims 14 and 34, Deguchi further discloses (Fig. 8) an archive (memory 104a, 104b) coupled to the processor (100).

Regarding claims 15, 31, 32, and 35, Deguchi discloses (Figs. 1 and 2) the color profile links (common color space CIE/XYZ, CIE/L*a*b*). See column 1, lines 54-60; column 2, lines 21-27; and column 7, lines 27-35.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi.

Regarding claims 16 and 17, Deguchi fails to disclose that the archive comprises electrically-erasable-programmable-read-only-memory (EEPROM) or random access memory (RAM).

However, it is obvious to a person of ordinary skill in the art to recognize that the type of memory being used to store data is an obvious design choice since it is not a critical to the function of the display device.

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5. Claims 18-21, 29-30, and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al (6,480,202) as applied to claims 1, 22, and 33 above, and further in view of Liang (5,579,031).

Regarding claims 18-21 and 29-30, Deguchi fails to explicitly teach that the processor (image processing section 100) is housed within the display (see claim 18), or the processor (100) is housed within a color matching hardware unit that is coupled to the display.

However, Liang (5,579,031) discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a separate color matching hardware unit (workstation 10). See column 5, lines 3-9.

Since Deguchi also teaches his display device is a color matching hardware unit (column 4, lines 55-58), it is obvious to the person of ordinary skill in the art to use the separate color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

Furthermore, the mere fact that a given structure is integral does not preclude its consisting of various elements. Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969).

Regarding claim 38, Deguchi discloses (Fig. 8) an integral color matching processor (100); a color management control (monitor control section 102, image processing section 100, and memory section 104) coupled to the display device (103); and at least one printing device (4).

Deguchi fails to disclose a plurality of display devices.

However, Liang (5,579,031) discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a separate color matching hardware unit (workstation 10). See column 5, lines 3-9.

Since Deguchi also teaches his display device is a color matching hardware unit (column 4, lines 55-58), it is obvious to the person of ordinary skill in the art to use the separate color matching hardware unit (10) of Liang into the color

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adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique. Furthermore, a multiple displays "soft proofing" system is well known in the art.

Regarding claims 39-43, note the rejection as set forth above with respect to claim 38. Deguchi fails to explicitly teach wherein the integral color matching processors are internal or a separate hardware color matching unit to the display devices.

However, Liang (5,579,031) discloses (Figs. 1 and 2) an apparatus for producing at least two matched color displays of a digital image using two different display devices, wherein the processor is housed within a separate color matching hardware unit (workstation 10). See column 5, lines 3-9.

Since Deguchi also teaches his display device is a color matching hardware unit (column 4, lines 55-58), it is obvious to the person of ordinary skill in the art to use the separate color matching hardware unit (10) of Liang into the color adjusting display system of Deguchi to provide a color matching in a plurality of displays system, wherein the display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) can be used for providing a more accurate and intuitive color matching technique.

Furthermore, the mere fact that a given structure is integral does not preclude its consisting of various elements. Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Berns et al (6,577,395) disclose a method for measuring a lighting condition of an object.

-Helms (5,952,992) discloses a method for automatically adjusting the brightness level of an LCD based on the ambient lighting conditions of the environment in which the LCD is being operated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



MATTHEW LUU
PRIMARY EXAMINER